

ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424

404-881-7000
Fax: 404-881-7777
www.alston.com

Lee A. DeHihns, III

Direct Dial: 404-881-7151

E-mail: lee.dehahns@alston.com

June 19, 2009

Douglas F. Mundrick, Chief
Clean Water Enforcement Branch
Water Protection Division
U.S. EPA Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

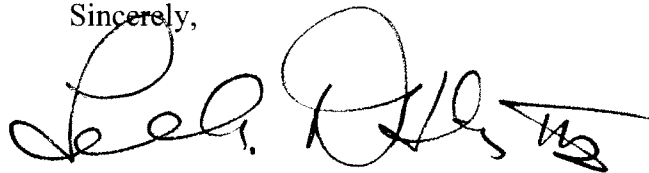
Re: Information Request – Section 308 of the Clean Water Act - Dalton Utilities Land Application System

Dear Mr. Mundrick:

Enclosed with this letter is the initial response of Dalton Utilities to your May 20, 2009, Section 308 of the Clean Water Act request concerning Dalton Utilities Land Application System (the "Request") addressed to Mr. Don Cope, President and CEO of Dalton Utilities. The enclosures include a June 18, 2009 letter with a certification signed pursuant to the Request and the responsive documents. Information described in Paragraph 3 of Enclosure A and in Enclosure C have a 60 day response period, which will be extended at a later date as discussed during the June 16, 2009 meeting between representatives of Region 4 and Dalton Utilities.

Please contact me if have any questions regarding the information supplied pursuant to the Request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lee A. DeHihns, III', with a stylized flourish at the end.

Lee A. DeHihns, III

LAD:gba
Enclosures

LEGAL01/13110542v3



June 18, 2009

Mr. Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Information Request – Section 308 of the Clean Water Act
Dalton Utilities Land Application System (LAS) Permit No. GA02-056

Dear Mr. Hom,

Dalton Utilities has received and reviewed the aforementioned Information Request dated May 20, 2009. For clarity, the section and number of the Request are listed below in plain text with Dalton Utilities (DU) response in italics.

- A.1 Provide a copy of all monitoring data and reports which have been submitted to the State of Georgia in accordance with State of Georgia Land Application System (LAS) Permit No. GA02-056 from March 26, 2007 to present.

A copy of the LAS monitoring data and reports from March 2007 to present are provided herein as Attachment A.

- A.2 Provide copies of any studies, analytical data or monitoring results that DU has acquired or conducted to determine the presence of PFCs or fluoride in, including but not limited to, the LAS wastewater influent, wastewater effluent, additional DU's wastewater treatment plant influent and effluent; locations within the collection system, groundwater, surface and subsurface soils, and air at and near the LAS, the Conasauga River and its tributaries, DU's drinking water source, DU's finish drinking water, and industrial users that discharge into DU's collection system.

As there is no requirement to monitor for PFCs and fluoride in wastewater in the aforementioned permit, Dalton Utilities has not collected any analytical data on the wastewater system or monitored the sludge for PFCs or fluoride.

In conjunction with the EPA's sampling of Dalton Utilities' drinking water on March 30, 2009, source water and finished drinking water samples were collected and analyzed for PFCs. Additionally, samples of the Conasauga River upstream and downstream of the LAS as well as at the confluence of the Conasauga River with the Coosawatee River were collected and analyzed for PFCs. A second sampling event of these three river locations occurred on May 13, 2009. The results of these analyses are included as Attachment B. Upon review, you will notice none of the drinking water samples exceeded the newly published health advisory values for drinking water.

As fluoride monitoring is required by the State of Georgia Rules for Safe Drinking Water Section 391-3-5-.16 and Dalton Utilities Permit to Operate a Public Water System, additional monitoring data on the fluoridation of drinking water is available upon request. This data is not included herein as it does not pertain to fluoride in wastewater.

- A.3 Within 60 days of receipt of this Clean Water Act Section 308 Information Request, collect, analyze, and submit the chain of custody and analytical results, including all quality assurance performance results, for the analytes listed in Enclosure C.

Per conversations between Dalton Utilities and the laboratories indicated in Enclosure C of your correspondence dated May 20, 2009, the laboratories do not have the capabilities of analyzing for the complete list of analytes specified. Attachment C illustrates the test capabilities of the two commercial laboratories located within the United States.

In accordance with the June 16, 2009, meeting between Dalton Utilities and EPA, the original list of analytes shown in Enclosure C of the aforementioned Information Request has been revised. Per your email correspondence dated June 17, 2009, the revised list for chemical analyses attached herein as Attachment C has been communicated with the contract laboratory. As discussed in the June 16, 2009, meeting Dalton Utilities will provide a timeline for completion of these analyses in writing back to EPA. The analytical results will then be submitted to EPA as soon as the results are available.

- A.4 For the period of January 2004 to present, provide a copy of all inspection reports prepared by the Georgia Environmental Protection Division (EPD) pertaining to the operations of DU's wastewater treatment plant and pretreatment program, as well as any correspondence between DU and EPD concerning such reports.

Attachment D contains copies of the requested inspection reports as well as correspondence between Dalton Utilities and EPD concerning such reports from January 2004 to present.

- A.5 Provide a copy of all noncompliance notifications sent to EPD that were made by DU between January 2004 and the present as required by Part II. Section A.2. of the State of Georgia LAS Permit No. GA02-056.

From January 2004 to the present, there has been only one noncompliance with the effluent limitations shown in the LAS permit. In January 2008, the Abutment Road Wastewater Treatment Plant (WWTP) exceeded the effluent limitation for Biological Oxygen Demand (BOD). The monthly average BOD for this facility during January 2008 was 60 milligrams per liter (mg/L) versus the permitted limit of 50 mg/L. Review of the sprayfield data during this timeframe also indicated that the BOD applied to the LAS was not impacted by the exceedance at the Abutment facility.

The notification correspondence submitted to the EPD by Dalton Utilities for the January 2008 noncompliance is provided herein as Attachment E.

- A.6 For the period of January 2004 to the present, provide a copy of all documents, including but not limited to notices of violation, consent orders, fines, etc., which reflect enforcement actions taken by EPD against DU.

Attachment F provides copies of all enforcement action documents against Dalton Utilities by EPD for sewer overflows from Dalton Utilities' collection system. There have been no enforcement actions taken against Dalton Utilities by EPD for noncompliance with the effluent limitations shown in the LAS permit since January 2004.

- B.1 List the IU that discharges wastewater to DU's wastewater treatment plants and include the following information: facility name, address, industrial processes, principal products, raw materials, daily process flow/volume of process wastewater and whether it is continuous or intermittent discharge, daily non-process flow/volume of process wastewater and whether it is continuous or intermittent discharge, IU permit number, primary Standard Industrial Classification (SIC) code with description, and all other applicable SIC codes with description.

Attachment G provides a list of all permitted IUs and the corresponding copies of IU permits, fact sheets, and permit applications which contain the requested information.

- B.2 Provide a brief narrative description of the processes at each IU as they relate to the discharge of wastewater to the DU wastewater treatment plant, including

but not limited to their industrial process operations and wastewater treatment processes.

The requested information is contained in Attachment G as stated above in B.1.

- B.3 Provide a copy of all Sewer Use Ordinances that were in effect during the period from January 2004 through the present.

Attachment H provides copies of all Sewer Use Rules and Regulations that were in effect from January 2004 through the present.

- B.4 Provide a copy of DU's basis, process for developing, and presently used Local Limits to control industrial discharges.

Attachment I contains a copy of the Local Limit Evaluation which illustrates the process used for developing local limits and the limits presently in effect.

- B.5 Provide a copy of any official correspondence with EPD from January 2004 to the present as it pertains to the status or compliance of the IUs with DU's pretreatment program, including quarterly and annual reports.

Attachment J provides copies of the annual pretreatment reports from January 2004 to present which were submitted to the Georgia EPD.

- B.6 For the period of January 2004 to the present, provide a copy of all documents, including but not limited to notices of violation, consent orders, fines, etc., which reflect enforcement actions taken by DU against any of the IUs.

Attachment K provides copies of all enforcement actions taken by Dalton Utilities against IUs from January 2004 to the present.

- B.7 Provide any information pertaining to possible spills or routine discharges at IU sites that may have resulted in PFCs being discharged to the DU wastewater treatment plant.

As there is no permit or regulatory requirement to sample for PFCs, Dalton Utilities does not have any information that indicates discharges of PFCs through routine discharges or spills at IU sites into Dalton Utilities' wastewater collection system.

- B.8 What actions, if any, has DU taken to reduce the entry of PFCs into the collection system?

Dalton Utilities has not taken any specific actions to reduce the entry of PFCs into the collection system.

Additionally, in accordance with your correspondence, the records covered by the aforementioned Request and contained in this correspondence shall be retained by Dalton Utilities until written authorization is received from the Chief of the Clean Water Enforcement Branch of the U.S. EPA, Region 4.

If you have any questions, please contact me at 706-529-1091 or dcope@dutil.com.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Cope", written over a horizontal line.

Don Cope
President & CEO

Attachments (11)

- C: Dr. Carol Couch, Georgia Environmental Protection Division (cover letter only)
Dr. Bert Langley, Georgia Environmental Protection Division (cover letter only)
Lee A. DeHihns, Esq.